

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DEVIN T. MERGENTHALER,
Plaintiff,

v.

Civil No. 3:21cv812 (DJN)

GEO GROUP, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff Devin T. Mergenthaler, a Virginia inmate proceeding *pro se*, submitted a letter to the Court requesting an update on the status of a 42 U.S.C. § 1983 complaint that he maintains that he submitted to the Court on or around November 15, 2021. After reviewing its records, the Court notified Plaintiff that it had no record of ever receiving such a complaint.

By Memorandum Order entered on January 12, 2022, the Court directed the Clerk to send to Plaintiff the standardized form for filing a 42 U.S.C. § 1983 complaint. (ECF No. 2.) The Court advised Plaintiff about the fees for filing such an action, as well as the process for applying for *in forma pauperis* status. The Court further advised Plaintiff that if he wished to file a complaint, he must complete and return the provided form to the Court within fourteen (14) days of the date of entry thereof. Plaintiff was explicitly warned that if he failed to respond within that time, the action would be dismissed without prejudice.

Plaintiff has not complied with the orders of this Court. More than fourteen (14) days have now elapsed since the entry of the January 12, 2022 Memorandum Order. Plaintiff has neither returned the completed form for filing a complaint, nor has he otherwise communicated with the Court. Plaintiff's conduct demonstrates a willful failure to litigate. Accordingly,

pursuant to Federal Rule of Civil Procedure 41(b), this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia
Dated: April 11, 2022